

CRIMINAL DOCKET - U.S. District Court

U.S.

(LAST, FIRST, MIDDLE)

USMJ FORM 101 - REV. 8/82

Mo. Day Yr.

Docket No.

Def.

PO	<input type="checkbox"/> 0975	1	Assigned 7509
Misd.	<input type="checkbox"/>		Dis. Sentence 7509
Felony	<input checked="" type="checkbox"/>	District	Off. Judge/Magistr.

VS. MERINO, THOMAS
a/k/a "Michael Cohen"
a/k/a "Joe Irish"

01 27 93

93 00157 HMF 02

No. of

2 Def's U.S. MAG. CASE NO.

ACK

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

DISM.
NG

18:1073

Unlawful Flight To Avoid Prosecution CTS 3,4 2
(02/02/87 - 08/28/89, 02/26/90 - 01/30/92)

☐☐☐

SUPERSEDING COUNTS

INTERVAL ONE

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

END INTERVAL TWO

KEY DATE	<input type="checkbox"/> arrest <input type="checkbox"/> summons <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint	KEY DATE	<input checked="" type="checkbox"/> indictment <input type="checkbox"/> filed/unsealed <input type="checkbox"/> consent to Magr. trial on complaint <input type="checkbox"/> information <input type="checkbox"/> Felony Waiver	KEY DATE	<input checked="" type="checkbox"/> 1st appears on pending charge / R40 <input type="checkbox"/> Receive file R20/21 <input type="checkbox"/> Supdgt. Indt. Inf <input type="checkbox"/> Order New trial <input type="checkbox"/> Remand <input type="checkbox"/> G/P Withdrawn	KEY DATE	<input type="checkbox"/> Dismissal <input checked="" type="checkbox"/> Pled guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Trial (voir dire) begun <input type="checkbox"/> Jury <input type="checkbox"/> N.J.
EARLIEST OF	APPLICABLE	02-03-93	APPLICABLE	04-21-93	APPLICABLE	04-21-93	APPLICABLE
1st appears with or waives counsel	ARRAIGNMENT	1st Trial Ended	RE TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	FINAL CHARGES DISMISSED
02-03-93	02-03-93				04-21-93	09-07-93	<input type="checkbox"/> on def. motion on gov't motion

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			PRELIMINARY EXAMINATION		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	Served			REMOVAL OR HEARING		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT				<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED	Tape Number	
Date of Arrest	OFFENSE (in Complaint)			<input type="checkbox"/> INTERVENING INDICTMENT		

Show last names and suffix numbers of other defendants on same indictment/information:

(01) Merino, W., (02) Merino, T.

ATTORNEYS
U. S. Attorney or Asst.

DANIEL A. BENT

by Craig H. Nakamura, Asst. U.S. Atty.

Defense: 1 ☒ CJA, 2 ☐ Ret, 3 ☐ Waived, 4 ☐ Self, 5 ☐ Non / Other, 6 ☐ PD, 7 ☐ CD

SUZANNE TERADA
345 Queen St. #700
Honolulu, Hawaii 96813
ph: 533-0011

RULE ☐ 20 ☐ 21 ☐ 40 ☒ In ☐ Out

BAIL & RELEASE

PRE-INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other

POST-INDICTMENT

Release Date	
<input type="checkbox"/> Bail Denied	<input type="checkbox"/> Fugitive
	<input type="checkbox"/> Pers. Rec.
AMOUNT SET	<input type="checkbox"/> PSA
\$	Conditions
Date Set	<input type="checkbox"/> 10% Dep.
	<input type="checkbox"/> Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/> Collateral
Date Bond Made	<input type="checkbox"/> 3rd Prty
	<input type="checkbox"/> Other

OCT 5 1993

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	CD NUMBER	DATE	RECEIPT NUMBER	CD NUMBER

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

DATE	DOCUMENT NO	93 93 00157 HMF 02	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE 1 OF 1	VI EXCLUDABLE DELAY	Start Date End Date	Ln Code	Total Days
1993	Jan 27	1	V. PROCEEDINGS EP: INDICTMENT - writ to be issued (Judith Powers) <u>YAMASHITA</u>					
		2	ORDER Of Recusal USMJ Yamashita - <u>recused</u> cc: BMK, Nakamura, ctroom dep <u>YAMASHITA</u>					
	29	3	Application and ORDER For Writ of Habeas Corpus Ad Prosequendum <u>KURREN</u>					
		4	Writ of habeas Corpus Ad Prosequendum - [Thomas Merino - 02-03-93]					
Feb 2		5	Motion to Detain Defendants Without Bail; Memorandum in Support of Motion; Exhibits "A" to "N"					
	3	6	EP: A&P - defts. presented. Defts. sworn to financial affidavit. Oral M/Court Appt. Atty Granted. Arrn. waived. Pleas of Not Guilty entered. Dates given: JS/JT: 04-06-93 @ 9, HMF. Final PT Conference: 03-15-93 @ 10:30, BMK. Motions 02-24-93. Response 03-10-93. M/Detain Granted. Defts. found a danger to community and flight risk. Nakamura to prepare order. Defts. to be held in federal custody pending resolutions of the case. Craig Nakamura; Mary Wilkowski & Suzanne Terada present. (TC) <u>KURREN</u>					
		7	Financial Affidavit <u>KURREN</u>					
		8	APPOINTMENT V#0414897 - SUZANNE T. TERADA, Esq. \$4,229.74 - 2/28/94 - <u>FONG BROWNING</u>					
Mar 1		9	ORDER Granting Government's Motion to Detain Defendants Without Bail <u>KURREN</u>					
	5	10	Notice of Hearing; [03-30-93 @ 10:30 a.m. (Kurren)]; Defendant's Motion for Change of Venue; Declaration of Counsel; Memorandum in Support of Motion; Certificate of Service					
	15	11	EO: Final Pretrial Conference contd. from 03-15-93 to 03-18-93 @ 10:30, BMK. Nakamura to notify parties. <u>KURREN</u>					
16		12	ORDER of Designation to a Magistrate - Defendant's Motion for Change of Venue - (Kurren) <u>FONG</u>					
	17	13	ORDER of Designation to a Magistrate - Government's Motion to Continue Trial and to Exclude (Kurren) <u>FONG</u>					
		14	Notice of Motion; [03-18-93 @ 10:30 a.m. (Kurren)]; Motion to Continue Trial and to Exclude Time Under The Speedy Trial Act; Declaration of Counsel; Certificate of Service					
18		15	EP: Final Pretrial; M/Continue Trial - Defendants presence waived. M/Continue Trial - granted. New jury trial 07-27-93 at 9:00 Fong. Final pretrial conference 07-12-93 at 10:30 PIY. Defts. mos due: 06-03-93. Govt. response due: 06-03-93. Govt. response due: 06-24-93. Govt. to prepare order excluding time. M/Change of Venue set 03-30-93 has been moved to 04-12-93 at 10:30. BMK. Craig Nakamura; (1) Mary Wilkowski; (2) Suzanne Terada present. (ESR) <u>KURREN</u>					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET U. S. vs

MERINO, THOMAS

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Yr. Docket No. Def.

AO 256A *

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1993</u>	(Document No.)				
Mar 23 16	Notice of Motion; [04-12-93 @ 10:30 a.m. (Kurren)]; Defendant William Merino's Joinder in Defendant Thomas Merino's Motion for Change of Venue; Certificate of Service				
31 17	ORDER Granting Motions to Continue Trial and to Exclude Time Under the Speedy Trial Act - Trial contd. from 04-06-93 to 07-27-93 @ 9:00 a.m. FPT contd. to 07-12-93 @ 10:30 a.m. Deft. M/due: 06-03-93. Govt. Response due: 06-24-93. Time from 04-06-93 through 07-27-93 is excludable under the Speedy Trial Act 18:3161(h)(8)(A). <u>KURREN</u>	<u>04-06-93</u> <u>07-26-93</u>	T		112
Apr 7 18	United States' Memorandum in Opposition to Defendants' Motion for Change of Venue; Certificate of Service				
12 19	<u>EP:</u> M/Change of Venue - deft. William Merino's presence waived, deft. Thomas Merino present. M/Change of Venue - Denied w/o prejudice. Nakamura to prepare order. Nakamura; Wilkowsky & Terada present. (ESR) <u>KURREN</u>				
20 20	<u>EO:</u> Hearing on Motion for Withdrawal of Not Guilty Plea and to Plead Anew is set for April 21, 1993 @ 4:30 p.m. cc: USPO, USM, Judge Fong's chambers. <u>FONG</u>				
21	Application Regarding Custody <u>SEALED</u>				
21 22	<u>EP:</u> Motion for Withdrawal of Not Guilty Plea and to Plead Anew - Questioned. Defendant sworn. Questioned. Advised of right to trial by jury, etc., and the maximum penalty provided by law. Questioned. Mr. Nakamura recited the government's evidence against the defendant. Further questioned. Guilty pleas entered to Counts 3 and 4 of the Indictment. Referred for presentence investigation and report and sentencing is set for August 9, 1993 @ 1:30 p.m. Detention order contd. (No plea agreement) Nakamura & Terada present. (TC) <u>FONG</u>				
23	United States' Statement Regarding Defendant Thomas Merino's Guilty Pleas - Certificate of Service				
24	ORDER Regarding Custody - <u>SEALED</u> <u>KURREN</u>				
23 25	ORDER Denying Defendants' Motion for Change of Venue - <u>KURREN</u>				
Jul 14 26	<u>EO:</u> Sentencing to Counts 1 & 4 originally scheduled for Monday, August 9, 1993 at 1:30 p.m. continued to Tuesday, September 7, 1993 at 3:00 p.m. before the Honorable Harold M. Fong. Suzanne Terada to prepare Stipulation. cc: USM; USPO. <u>FONG</u>				

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Interval
(per Section 11)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKETMERINO, THOMAS
aka "Michael Cohen"; "Joe Irish"

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AO 256A

DATE		PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(Document No.)	(a)	(b)	(c)	(d)
1993						
Jul 28	27	Stipulation to Continue Sentencing and ORDER - Cont. from 08-09-93 to 09-07-93 @ 3:00 p.m. before Judge Fong.				
	29	ORDER Granting Limited Hospital Visits				
Aug 11	29	Response and Objections to Presentence Report; Exhibit "A" - "B"; Certificate of Service				
	30	Government's Sentencing Statement				
	30	Notice of Motion; [09-07-93 @ 3:00 p.m. (Fong)]; Motion for Downward Departure; Memorandum in Support of Motion; Declaration of Counsel; and Certificate of Service				
	32	Government's Sentencing Memorandum; Exhibits A through C; Certificate of Service				
Sept 7	33	Government's Memorandum In Opposition To Defendant's Motion For Downward Departure				
	34	EP: SENTENCING To Counts 3 & 4 of the INDICTMENT - Nakamura, Terada. Deft present. court adopts the statements & the findings in the pre-sentence report. Deft's M/downward Departure - DENIED Deft addresses the court. SENTENCING - Impr as to CT 3 & 4 - 52 months. Sentence imposed in CT 4 to run conc w/ sentence imposed in CT 3. Fed impr sentence to run consecutively w/ state impr. Sup Rel as to CT 3 & 4 - 3 yrs. Sentence imposed in CT 4 to run conc w/ sentence imposed in CT 3. Spec Conds: 1) Deft not commit any crimes Fed, state or local 2) Deft not possess any illegal controlled substance; 3) Deft not use any alias names, dates of birth or soc security numbers; 4) Deft not be allowed to travel outside the state of sup Spec Mon Assess - \$ 50.00 as to each count No fine imposed MITTIMUS forthwith Deft to be given credit for time served Deft adv of his right to appeal Court rec - prison facility at Sheridan, Oregon (Tina Stahr)				
	14	JUDGMENT In A Criminal Case				
	15	NOTICE OF APPEAL [Deft. appeal of conviction & sentence] Certificate of Service				
	17	Suzanne T. Terada's Ex Parte Motion to Withdraw as Counsel For Defendant Thomas Merino; Declaration of Counsel; Certificate of Service				

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Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

MERINO, THOMAS
aka "Michael Cohen"; "Joe Irish"

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Yr. Docket No. Def.

DATE		PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
1993		(Document No.)				
Sep 20	38	ORDER for Time Schedule - RT to be ordered by 10/06/93; RT to be filed by 11/05/93; Apt's opening brief to be filed by 12/15/93; Aple's brief to be filed by 01/14/94; Reply brief (if any) to be filed by 01/28/94 - cc: Clerk, 9CCA; all counsel				
Oct 8	39	Presentence Report - Filed Under Seal & Returned to USPO				
	40	Sentencing Recommendation - Filed Under Seal & Returned to USPO				
*6	41	Transcript Designation and Ordering Form - Terrence Chun: 04-21-93 ✓ Tina Stuhr: 09-07-93 ✓				
		EO: V0576850 appointing John Ashford Thompson transmitted to 9CCA by S. Puli, Mag Secty to Mag Judge KURREN				
Nov 18		Transcript of Proceedings - pgs. 31 - 04-21-92 - Terrence Chun ✓				
Dec 6		Transcript of Proceedings - pgs. 55 - 09-07-93 - Tina M. Stuhr ✓				
	10 42	Authorization and Voucher for Payment of Transcript - V#2240300491 - \$87.00 - Terrence Chun - FONG				
	15 43	Authorization and Voucher for Payment of Transcript - V#2240300563 - \$165.00 - Brooke Anderson - FONG				
1994						
Jan 31	44	Certificate of Record mailed to Clerk, 9CCA - cc: all counsel				
Feb 8	45	Return on Judgment executed on 1/26/94				
	15 46	Return on Judgment executed on 01/26/94				
Mar 11		Original Record Sent to 9CCA				
Nov 4		EO: Replacement Voucher V0576850 appointing John Ashford Thompson transmitted to 9CCA (voucher to be pd by 9CCA)				
1995						
Feb 21	47	JUDGMENT - 9CCA (Affirmed - CA: 93-10587)				
Mar 30		Return of Records from 9CCA: 1 Vol. Clerk's File 2 Vol. RT 4 Docs Sealed				
1997						
Oct 6	48	CASE REASSIGNMENT - Case reassigned to Judge Kay Re: Probation request				
1999						
cont to next page						

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

MERINO, THOMAS

AO 256A

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
<u>1999</u>	(Document No.)					
Apr 6 49	Request for Course of Action (Statement of Alleged Violations of Supervised Release) BW Ordered - No Bail KAY					
50	BW issued					
9 51	EP: Order to Show Cause Why Supervised Release Should Not be Revoked: Deft present with counsel Richard Gronna; Arguments heard; Order to Show Cause Why Supervised Release should not be Revoked continued to Monday, May 3, 1999 at 3:00 p.m.; Ordered that deft continue to be detained; Court finds that deft is a flight risk and danger to the community; Thomas Merino, USA Atty Craig Nakamura, Gene DeMello, Richard Gronna, James Pallett (special appearance only) present (Ct Rptr: Cynthia Tando) by Judge Kay					
52	BW returned executed by USMS					
53	NOTICE on Order to Show Cause Why Supervised Release Should not be Revoked set 4/9/99 @ 2:00 before Judge Kay; cc: Craig Nakamura, Richard Gronna, Gene Demello, USMS					
27 54	Supplemental Reuest for Course of Action (Statement of Alleged Violations of Supervised Release KAY					
30 55	Government's Memorandum Regarding Revocation of Defendant's Supervised Release; Exhibits A - E [SEALED]					
May 3 56	EP: Further Hearing on Roder to Show Cause Why Supervised Release Should not be revoked: Defendant present with counsel Richard Gronna. Alleged supplemental violations read to defendant. Affidavit of J. Homer Thomasson admitted. Government proffered the governments evidence against the defendant. Defendant accepts governments proffer. Court finds that the defendant has established by clear and convincing evidence each of the five alleged violations, wherein fact committed by the defendant. Defendant has admitted to the probation officer that he violated each one of the charges, and the Court finds that essential elements of each charge has been established and specifically with respect to charges #4 and #4. Sentence: Imprisonment 24 months. advised of rights to appeal. Recommendation: FCI, Phoenix, Arizona. Mittimus: Forthwith. Craig Nakamura, Gene DeMello, Richard Gronna present. (Steve Platt) KAY					
11 57	Judgment in a Criminal Case KAY					